

Appl. No. : 09/871,752
Filed : June 1, 2001

REMARKS

Claim 1 has been amended by incorporating the limitations of Claim 3 and therefore Claim 3 has been canceled without prejudice. Claim 2 has been amended in accordance with the amendments to Claim 1. Claim 4 has been amended to change the dependencies. Claim 9 has been amended to correct informalities. Claims 13-16 have been added. Support for Claim 13 can be found on page 14, lines 1-3 of the specification. Support for Claim 14 can be found in Claim 7. Support for Claims 15 and 16 can be found on page 15, lines 3-6, and page 19, lines 9-16 of the specification, for example. As such, no new matter has been added. Accordingly, Claims 1, 2 and 4-16 are pending in this application. The amendments do not constitute the addition of new matter to the specification. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Affirmation of Restriction Requirement

A provisional election was made to prosecute the invention of Group I, claims 1-10 on September 25, 2003. Contrary to the Examiner's assertion, the election was made without traverse. Applicant affirms this election. If Claim 1 is allowed, rejoinder of Claims 11 and 12 is respectfully requested.

Rejection of Claims 1-6 and 8-10 Under 35 U.S.C. § 102

Claims 1-6 and 8-10 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Ouziel et al. (USPN 6,280,482). Claim 1 has been amended for clarification. Claim 3 has been canceled. The remaining claims are ultimately dependent on Claim 1. The claims could not be anticipated by Ouziel et al. as explained below.

Ouziel et al. discloses a method of improving the stability to ozone exposure of anthraquinone dyes on natural or synthetic polyamide fiber materials. The Examiner asserts that alkyltrimethylammonium salt is used as a cationic surfactant (column 4, lines 15-25). However, contrary to the Examiner's assertion, Ouziel et al. does not disclose any cationic surfactant. Rather, Ouziel et al. discloses sulfonic acid of anionic dyes. Ouziel et al. discloses "Examples of suitable salts are the alkali metal, alkaline earth metal and ammonium salts or the

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salts with an organic amine. Examples include the sodium, lithium, potassium and ammonium salts or the salts with mono-, di-, or triethanolamine.” (see column 4, lines 18-25). That is, Ouziel et al. discloses merely “ammonium salts” of the anionic dyes, not cationic surfactant of the quaternary ammonium salt type. Further, Ouziel et al. does not disclose an alkyltrimethylammonium salt which is the quaternary ammonium salt.

Claim 1 has been amend to recite that the ozone sensitive ink comprises both a cationic surfactant of the quaternary ammonium salt type and an anthraquinone dye. Ouziel et al. fails to disclose both of these elements, and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

Rejection of Claims 1-10 Under 35 U.S.C. § 103

Claims 1-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ouziel et al. (USPN 6,280,482) in view of Omatsu et al. (USPN 6,336,964). Applicant respectfully traverses this rejection.

The issue date of Omatsu et al. is January 8, 2002 which is after the filing date of the present application, i.e., June 1, 2001. Therefore, Omatsu et al. could only qualify as prior art as a 102(e) reference, not a 102 (a) or (b) reference. Since the assignee of Omatsu et al. is Sakura Color Products Corporation which is the same as that of the present application and the present invention was subjected to an obligation of assignment to this company at the time this invention was made. Accordingly, Omatsu et al. should not serve as a prior art. Thus, it is respectfully requested that the rejection under 35 U.S.C. § 103 based on a combination of Ouziel et al. and Omatsu et al. be withdrawn.

New Claims 13-16

Claim 13 has been added to recite specific film-forming polymers which are not disclosed or suggested in Ouziel et al. Claim 14 has been added to recite that the ozone sensitive ink comprises a color component which does not change color in an ozone atmosphere. The color component is not disclosed or suggested in Ouziel et al. Claims 15 and 16 have been

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added to recite a color-unchanged layer which is not disclosed or suggested in Ouziel et al.
Thus, the new claims are patentable for the above reasons.

CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 25, 2004

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